



# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

### Environmental Engineering Program Comments on Draft General Permit

#### Table of Contents:

- Page numbers should be corrected to reflect actual pages for the various Section and Subsection pages.

#### Section 1. Authority:

- None

#### Section 2. Definitions:

- Reference is made to definitions in CGS Sec. 22a-423, and in Sec. 22a-430-3(a) of the RCSA, however the term "lot" is defined in Sec. 22a-430-1(a) of the RCSA, and the definition of a "lot" is different that the definition of "site" in the draft permit in that the latter term doesn't address contiguous land under common ownership. Recommend revising definition of "site", or use of the term "lot" and define term or reference applicable regulation.
- Several terms (effective leaching area, building served) are used in the draft permit, but are only defined in DPH's Technical Standards for Subsurface Sewage Disposal Systems. Consideration should be given to either define terms or reference the Technical Standards. The term "bedroom" is also defined in the Technical Standards, and plans for building additions will need to be reviewed to determine if there is an increase in the number of bedrooms, as this would constitute a change in use. It may be helpful to include a bedroom definition.
- It may be helpful to define "Technical Standards for Subsurface Sewage Disposal Systems" and reference Public Health Code (PHC) Section 19-13-B103d (b) that authorizes DPH to publish and revise such document.
- The "accessory structure" definition in the draft permit is different from the definition in the Technical Standards as pools have been included in the definition in the draft permit. Minimum separation distances cited in Table No. 1 of the Technical Standards list pools and accessory structures as separate items, and they have different separation distances. It is also noted that the draft permit does not specify that small (< 200 SF) portable structures without permanent support foundations are not accessory structures.
- The definition of "construction" includes building conversions, and Section 3(b)(1)(B) would allow a building conversion without the benefit of a DEP approval of the registration. Recommend removing building conversion from "construction" definition, and add building conversion to the activities cited in Section 3(b)(1)(C) that require DEP approval of the registration.
- The term "domestic sewage" is defined but the term "wastewater" is not. The term "wastewater" is used repeatedly in the draft permit, and it is recommended that the term "domestic sewage" replace the term "wastewater" throughout the draft permit.
- The definition "existing facilities" should reference "capacity" rather than "volumes" to be consistent with CGS Sec. 22a-430(g), and PHC Sec. 19-13-B103. The definition should also clarify that it covers sites (or lots: see above bullet) with design flows exceeding 5,000 GPD. It is noted that only community sewerage systems consisting of subsurface sewage disposal systems, not alternative sewage treatment systems, are governed under the draft permit.
- The "repair" definition should be expanded to cover all repairs such as relocating a system to accommodate a building addition, and voluntary upgrades.
- The term "residential building" is defined but not used in the draft permit.
- The definition "subsurface sewage disposal system" notes that it doesn't include advanced treatment systems, but it should reference alternative sewage treatment systems, as that is the term defined in the cited Statute.

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### Section 3. Authorization Under This General Permit

- Section 3 (b)(1)(B) should reference design flow rather than flow, and the reference to an increase in residential occupancy may not be needed. The note about not impacting area available for sewage disposal needs clarification. I believe the intent is to ensure construction activities do not diminish the area needed for a septic system repair, ideally a code compliant area, rather than the reduction of all possible areas for such repairs. It is also recommended that it be stipulated that the minimum separation distances in Technical Standards' Table No. 1 be maintained between "construction" structures and the existing sewage disposal system. Although not noted, it is assumed that DEP will be requesting the assistance of the local health department in reviewing proposed construction activities. CADH & CEHA feedback needed. It would be helpful if DEP contacts the Office of the State Building Inspector to see if they can generate communications to local building inspectors requesting that they not issue building permits for activities cited in the General Permits until it is confirmed that the existing facility is registered with DEP, and the Local Director of Health has confirmed the conditions cited in this subsection are satisfied.
- As previously noted, building conversions should be added to Section 3 (b)(1)(C). There is a need to maintain minimum separation distances (Technical Standards Table No. 1) when building footprints are expanded in conjunction with building conversions and change in uses. The above comment about assistance for the Office of the State Building Inspector should be pursued with the stipulation that local building permits not be issued until DEP approves the registration with respect to the proposed activity.
- Section 3 (b)(6) implies there may be instances where a source of drinking water may be allowed to be impaired. No such authorization should be made without DPH authorization.
- Section 3 (b)(7) does not indicate how a determination is made whether an activity complies with the CT Water Quality Standards.
- I believe the word "not" should be removed from the one sentence in Section 3 (e)(2).

### Section 4. Registration Requirements

- It appears that registration is only required if an existing facility wants to perform a construction activity, repair or expand a sewage system, or conduct a building conversion or change in use. It may be warranted to require registration within a period of time (i.e., 5 years) even if no such activity or system modification are proposed.
- Is there a statement that stipulates that registrations must be made by the property owner or duly authorized agent?
- Section 4 (c)(3)(A) should note that the Local Director of Health must be notified of the site investigation as required by PHC Section 19-13-B104c (f).
- Section 4 (c)(3)(A)(1) should stipulate technical plans must be submitted in conjunction with building conversions and change in uses. Is it the intention to require upgrades/system expansions as part of building conversion and change in use approvals?
- Section 4 (c)(3)(B) should note that the Local Director of Health must be notified of the site investigation as required by PHC Section 19-13-B104c (f).
- Section 4 (c)(3)(B)(1) should require the submission of a WMP in conjunction with any building conversion or change in use.
- Section 4 (c)(3)(B)(2) iii should specify the nitrogen dilution analysis methodology.
- Section 4 (d)(3) provides for submission of registrations and supporting documentation to DPH. It is recommended that the general permit include mandatory electronic submittals in an electronic format for an easy merge with DEP's existing web-based system. No notifications to DPH, except for DWS notifications, would be needed if the data is accessible on-line. DPH access could be restricted to view only through visibility controls.
- This section should stipulate that a set of DEP approved Technical Plans for the repair or expansion of all sewage systems shall be submitted to the Local Director of Health at least two working days prior to the start of construction as required by PHC Section 19-13-B104c (h). Also in accordance with this regulation, it should stipulate the Local Director of Health shall inspect the sewage system during construction, and an as-built record drawing shall be submitted to the Local Director of Health prior to utilization of the system.

## Section 5. Conditions of This General Permit

- Section 5 (a)(2) should note that the Local Director of Health must be notified of the site investigation as required by PHC Section 19-13-B104c (f). An “appropriate hydraulic reserve capacity” and “closest point of concern” are not defined and additional clarification on these terms would be helpful. It is noted that the Technical Standards only require reserve areas for new construction, and not for existing sites.
- The minimum requirements in Section 5 (a)(2) should include requirements for tankage (sizing, construction requirements, access etc), select fill specifications, piping, pump systems etc.
- Section 5 (a)(2)(A) should indicate how design flows are calculated. Is it DEP’s intention to utilize the design flows in Table No. 4 of the Technical Standards or in DEP’s design guidance?
- Section 5 (a)(2)(B) does not provide any variances mechanism for nitrogen assessments that don’t comply with the Water Quality Standards. What happens if they can’t comply? Will alternative treatment systems that provide for additional nitrogen reduction be required?
- The reference to single residences in Section 5(a)(2)(C) is somewhat confusing. Does it apply to non-residential buildings also?
- Section 5(a)(2)(C) and Section 5(a)(2)(D) stipulate minimum separation above “seasonal high groundwater table”, which is not a defined term. The term should be defined or for consistency, especially for small (<2,000 GPD) systems, the term “maximum groundwater” could be used. This latter term is defined in PHC Section 19-13-B103b.
- Section 5(a)(2)(C)(3) should reference Section VIII F of the Technical Standards.
- Section 5(a)(2)(D) references a hydraulic analysis of the mounded groundwater table, and travel time calculations to sensitive receptors. Methodologies for these assessments should be noted, and additional clarification about what constitutes a sensitive receptor should be provided.
- Are there any minimum separation distance requirements for the large (> 2,000 GPD) systems?
- The minimum requirement subsection should include language about variances, and provide a mechanism for DEP to authorize variances when it is determined that they are warranted. An exception to the minimum setback from a water supply well can only be authorized by DPH in accordance with PHC Section 19-13-B104d (a).
- The annual septic tank pumping cited in Section 5 (a)(3)(A) for buildings other than single-family residential buildings may be overly restrictive, and some flexibility on a case-by-case basis should be provided.
- How will the minimum inspection, monitoring and maintenance requirements in Section 5 (a)(3) be enforced tracked?
- Section 5 (a)(3)(D) should provide information about groundwater monitoring well locations. Also, maximum pollutant levels (standards) should be cited/referenced. Violation reporting of samples exceeding standards is also required in the end of this section.
- Section 5 (a)(4) implies holding tanks will be required when ever the minimum requirements in the general permit cannot be met. Use of holding tanks should be restricted to instances where legitimate repairs cannot be made. It should be noted that DPH licensed installers can also clean/pump septic tanks and holding tanks. Consideration should be given to allow use of approved plastic tanks as holding tanks, and setting high-level alarms at 50% liquid level may be overly restrictive. The holding tank approvals approved by DPH typically set the alarm level at 66% – 75% (2/3 to 3/4 full).

## Section 6. General Conditions & Section 7. Commissioner’s Powers

- None

Comments prepared by Robert Scully, EE Program, DPH, August 19, 2010

